

**VILLAGE OF MIDWAY**  
**BY-LAW NO. 200**

A by-law of the Village of Midway (Hereinafter called the "Municipality") to provide for the Levying of Business Licence fees as provided for in the Municipal Act.

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The Municipal Council of the Village of Midway in open meeting assembled Enacts as follows:

1. In the construction and interpretation of this by-law the following terms shall have the meaning hereby assigned to them unless repugnant to the context hereof:
  - (a) "Act" means the Municipal Act, being Chapter 290 of the Revised Statutes of British Columbia, 1979, as amended;
  - (b) "Business" means the carrying-on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other services for the purpose of gain or profit;
    - (i) "Resident Business" means a business carried on in or from premises within the municipality;
    - (ii) "Non-Resident Business" means a business, other than a resident business, carried on within the municipality or with respect to which any work or service is performed within the municipality;
  - (c) "Collector" shall mean the Collector of the Village of Midway.
  - (d) "Village Clerk" means the person from time to time duly appointed as Village Clerk for the municipality and also any person lawfully acting in that capacity;
2. Every person using or engaging in the trades, occupation, professions, businesses or callings in "Business Licence Fees" particularly described, and any person advertising, calling or in other manner suggesting that he is conducting or is willing to conduct the trades, occupations, professions, businesses or callings in "Business Licence Fees" hereto particularly described shall take out a licence for the period described in said "Business Licence Fees" and shall pay therefore the sum as is therein specified.

Subject to the act no person shall carry on, within the municipality, any business unless he is the holder of a valid and subsisting licence issued to him under this by-law by the Clerk or Collector and shall pay in advance therefore, to the clerk or Collector the sum specified in Schedule "A" attached hereto and made part of this by-law and it shall be incumbent upon each person to renew such licence prior to the beginning of each licensing period as long as such business is being carried on.

- (a) Notwithstanding any of the provisions of this by-law to the contrary, the Council may, upon application, waive the licence fee payable by local organizations, for entertainment, door-to-door sales, or any other similar operations, the proceeds of which, over and above actual expenses, are charitable or patriotic purposes.
  - (b) Every licence-holder is required to display the current business licence in the premises for which the business licence has been issued. All persons doing business in other than established places of business must carry such business licences on their person.
  - (c) Licences approved by the Village Clerk or Collector shall be issued by such Village clerk or collector, but no licence shall be valid until the required fee has been paid, and proof of such payment is indicated on the licence, and the licence is signed by authority of the Village clerk or Collector.
  - (d) No person shall vend, contact, solicit, or serve any business on any public street, lane, or other public area except as specifically provided in this by-law.
  - (e) Any person who occupies an office or other premises in the municipality in which, or from which, he advertises himself by any medium as open for business of any kind, or who deals in, buys, sells, barter or displays or offers by advertisement or otherwise to buy, sell, or barter, commodities or other things of any kind, either on behalf of himself or of any person, shall be deemed to be carrying on, engaged in, or practicing within the municipality, his respective profession, business, trade, occupation, employment, calling or purpose.
  - (f) Subject to the provisions of the Act, any person applying for a licence to carry on a resident business of any of the following classes of business, namely, retail and wholesale that particular business shall give as security to the Village, by way of cash, negotiable securities, or a bond or policy of an insurer licenced under the Insurance Act, in the amount of \$200.00.
3. Every licence issued pursuant to this by-law shall be in such a form as may be prescribed by the Village clerk or Collector. The Village Clerk or Collector shall have power to grant, issue or transfer licences as hereinafter provided.
  4. Every application for a licence pursuant to this by-law shall be made in writing to the Village Clerk or Collector and delivered to the Village Clerk or Collector, on the application form provided for this purpose, and shall disclose such information as said Village Clerk or collector may require.

The application for a licence for the first time shall be signed by the owner of the business or his duly authorized agent, provided that in the case of partnerships or multiple owners any one of such owners or partners may apply and such owner or partner applying shall be deemed to be the duly authorized agent of all the owners or of the partnership.

Any false or misleading information given in order to obtain a licence to do business in said Village is an offence against this by-law, and any operations or business carried on not listed on said licence automatically makes such licence technically void and a violation of this by-law until such is corrected.

5.
  - (a) The application form shall be delivered to the Village Clerk or Collector and shall be accompanied by the fee prescribed in Schedule "A".
  - (b) Where the applicant for licences is one and the same person, as many applications of the same kind as may conveniently be made on the form prescribed may be combined in one such form without the necessity for the completion of separated application forms for each business for which a licence is sought.
  - (c) Notwithstanding subsections (a) and (b) but not inconsistent with the Act or this by-law the Clerk or Collector is hereby authorized to modify the forms prescribed, or any of the administrative procedures prescribed, deemed necessary by him when dealing with any owner applying for licences for more than one business.
6.
  - (a) Except as hereinafter provided, licences shall be issued so as to terminate on the 30<sup>th</sup> day of April, and the 31<sup>st</sup> day of October and no proportionate reduction shall be made on account of any person commencing or ceasing to do business at any particular time.
  - (b) Subject to section 506(2) of the Act the period for a licence in respect of a theatre, including drive-in theatre, amusement hall, music hall, opera-house, rink, amusement park, or other place of amusement, entertainment, or exhibition, may be six months, three months, one month, or one day, and the period requested shall be by written application, under the signature of the applicant.
  - (c) Subject to section 506(3) of the Act the period for a licence with respect to a circus, horse show, dog or pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licenced theatre or other licenced place, shall be one day.
  - (d) The period for a licence in respect of horse racing shall be one day.
7. The licence Fees mentioned in "Business Licence Fees" of this by-law where not especially expressed, shall be payable by the person using or engaging in the trades, occupations, professions businesses or callings herein mentioned, for each store, office, house or place of business, calling or trade occupied or carried on by him, either in his own name, or in the name of any agent or representative in any part of the municipality. All licences granted pursuant to this by-law, except as otherwise provided, shall enable the licensee to change his place of business at pleasure but not to carry on business at more than one place at the same time under one licence.

8. The Village Clerk or Collector shall have power to suspend licences subject to the provisions of section 513 of the Act.
9. Any person who makes application for a licence to carry on a resident business and states that he does not intend to carry on business continuously in the municipality for at least six months, may, pay a fee in the amount specified in this by-law twice the fee payable in respect of any other resident business of the same class carried on in this municipality.
10. Every Licencee under this by-law shall permit reasonable access to the Village Clerk or Collector to the premises at which the licenced business is being carried on for the purpose of ensuring that the requirements of this by-law and Division (1) of Part 11 of the Act are being fulfilled.
11. No person shall use, engage in or practice, carry on or exercise any trade, occupation, profession, business or calling of the said "Business Licences" described or named herein without having taken out or had granted to him and holding a licence in that behalf, and every person who offends against any of the provisions of this by-law, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this by-law or neglects to do or refrains from doing anything to be done by this by-law, or who does any act or thing which violates any of the provisions of this by-law and shall be deemed to have committed an offence under this by-law and shall be liable on conviction, to a fine or penalty of not less that \$25.00 or more than \$500.00, for every such violation of this by-law, together with the amount and penalty shall for the purpose of recovery under this by-law be held to be one penalty.
12. That By-law No. 14 Business Licence By-law is hereby repealed.
13. This By-law may be cited as "The Village of Midway Business Licence By-law No. 200, 1990."

READ A FIRST TIME THIS 19<sup>th</sup> day of February, 1990.

READ A SECOND TIME THIS 19<sup>th</sup> day of February, 1990.

READ A THIRD TIME THIS 19<sup>th</sup> day of February, 1990.

RECONSIDERED AND ADOPTED THIS 5<sup>th</sup> day of March, 1990.

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Mayor

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Clerk

**BUSINESS LICENCE FEES**  
**SCHEDULE "A"**  
**BY-LAW 200**

(Fees to cover a six month period or portion thereof)

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| Accountants, Bookkeepers   | \$20.00   |
| Auctioneers  | \$20.00   |
| Auto Dealers (new & used) and Auto Accessories   | \$20.00   |
| Auto Garage  | \$20.00   |
| Bank   | \$50.00   |
| Barber/Hairdresser   | \$20.00   |
| Bicycles, Motorcycles, Skidoos, etc  | \$20.00   |
| Bowing Alley, Theatre, Arcade  | \$20.00   |
| Café, Restaurant (with dining room and/or liquor licence coffee shop,<br>tea room or drive-in)           | \$20.00   |
| Circus, Midway, etc.   | \$20.00   |
| Contractors, Tradesmen   | \$20.00   |
| Car Wash   | \$20.00   |
| Dance Hall, Dance Teacher, Music Teacher, Etc  | \$20.00   |
| Drug Store   | \$20.00   |
| Express Company (Loomis), Delivery   | \$20.00   |
| Factory and Warehousing  | \$20.00   |
| Fuel Dealership (Bulk)   | \$20.00   |
| Hotel, Motel and Apartments  | \$20.00   |
| Insurance or Real Estate   | \$20.00   |
| Laundromat, Dry Cleaning   | \$20.00   |
| Merchant Retail – Grocery, Furniture, Appliance, Office Supplies,<br>Sporting Goods, Shoes, Clothing etc | \$20.00   |
| Multiple Business (One Door)   | \$30.00   |
| Newspaper, Publishing  | \$20.00   |
| Peddlers   | \$20.00   |
| R.V. or Trailer Court  | \$20.00   |
| Tradesmen and Professionals  | \$20.00   |
| Cottage Industry   | \$20.00   |
| Any other not mentioned  | \$20.00   |
| Addendum to Section  |   |
| Section 4  | “Subject to the provisions of the Act, any person applying for a licence to carry on a resident business of any of the following classes of business, namely, retail and wholesale direct to consumer, for first time with respect to that particular business shall give as security to the Village, by way of cash, negotiable securities, or a bond or policy of an insurer licensed under the Insurance Act, in the amount of \$200.00. Such deposit shall be retained by the Village for the duration of six months from the date of payment.” |
| One Entrance:  | A business shall have only one entrance, in order to be classed as multiple, to be covered under on licence.  |